



## **Notice of a public meeting of**

### **Joint Standards Committee Hearings Sub-Committee**

**To:** Councillors T Fisher and C Runciman (CYC Members),  
Councillor M Waudby (Parish Council Member)  
Mr J Leigh (Independent Person)

**Date:** Monday, 18 December 2023

**Time:** 10.00 am

**Venue:** The Craven Room - Ground Floor, West Offices (G048)

### **AGENDA**

**1. Appointment of Chair**

To appoint a Member to chair the hearing.

**2. Declarations of Interest** (Pages 1 - 2)

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest. An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members].

**3. Exclusion of Press and Public**

To consider whether to exclude the Press and Public at any point in the hearing when there is a possibility that exempt information under Paragraph 1 of Schedule 12A to Section 100A of the Local

Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006) may be disclosed; namely, the identity of any of the witnesses called to give evidence.

**4. Complaint against a Member of a Council (Pages 3 - 36) covered by the Joint Standards Committee**

To consider a complaint made against the above Member of a Council covered by the Joint Standards Committee, which has been referred to the Hearings Sub-Committee for determination following an investigation.

**5. Urgent Business**

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democratic Services officer responsible for this meeting:

Name: Ben Jewitt

Contact details:

- Telephone – (01904) 553073
- E-mail – [benjamin.jewitt@york.gov.uk](mailto:benjamin.jewitt@york.gov.uk)

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

**我們也用您們的語言提供這個信息 (Cantonese)**

**এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)**

**Ta informacja może być dostarczona w twoim  
własnym języku. (Polish)**

**Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)**

**یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)**

**☎ (01904) 551550**

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### Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) <b>OR</b> Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) <b>OR</b> Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.



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**Standards Hearing Sub-Committee****18 December 2023****Public Report**

Report of the Monitoring Officer

**Complaint received in respect of a Parish Councillor****Background**

1. On 16 April 2023 the Monitoring Officer received a complaint from a resident alleging that a Parish Councillor had breached the Code of Conduct by arranging for their election leaflet to be circulated with the Parish Council materials. The resident expressed concern that the newsletter was publicly funded and its distribution at the same time as election literature constituted an attempt to secure an advantage (use of parish resource and influence to assist in winning an election campaign.)
2. The complaint was considered by a Joint Standards Committee Sub Committee on 26 June 2023 and referred for investigation by a Senior Lawyer employed by City of York Council.
3. The investigating officer's report has been completed and provided to the subject member for comments and must now be considered by a Joint Standards Committee Hearings Committee in accordance with the Case Handling Procedure set out at Appendix 29 of the Constitution.
4. The investigating officer is of the opinion that the Parish Councillor did breach the Code of Conduct.
5. The panel have received a copy of the complaint, the investigating officer's report, as well as a copy of the Parish Council's Code of Conduct.

## The Code of Conduct

6. As required by the Localism Act 2011, the Parish Council has adopted a Code of conduct which sets out the conduct expected of Councillors when acting as such. Particularly relevant to this complaint are the following requirements of members:

*He/she shall not seek to improperly confer an advantage or disadvantage on any person.*

*He/she shall use the resources of the Council in accordance with its requirements.*

7. The Local Government Association publishes guidance on complaints handling which is referred to as a background document. Key aspects of that guidance regarding misuse of position are:
- a. Councillors should not use, or attempt to use, their public office either for their own or anybody else's personal gain or loss;
  - b. Most decisions will inevitably benefit some people and will be to the detriment of others. It's important when you make those decisions to make them in what you think is the public interest and not be influenced by private interests.
  - c. The term 'improperly' is not defined in the Code of Conduct. This ensures that the scope of the provision is not unnecessarily limited. The underlying principle is that councillors are elected or appointed to public office to serve the public interest.
  - d. Any conduct that unfairly uses a councillor's public position to promote private interests over the public interest will be improper
8. With regard to misuse of resources the Guidance states:
- a. "You may be provided with resources and facilities by your local authority to assist you in carrying out your duties as a councillor. Examples include: office support, stationery, equipment such as phones, and computers, transport, access and use of local authority buildings and rooms.
  - b. These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.



- c. You must make sure you use the authority's resources for proper purposes only. It is not appropriate to use, or authorise others to use, the resources for political purposes, including party political purposes. When using the authority's resources, you must have regard, if applicable, to any Local Authority Code of Publicity made under the Local Government Act 1986."
9. It also highlights the following:
- a. You should never use local authority resources for purely political purposes, including designing and distributing party political material produced for publicity purposes;
  - b. Your authority may authorise you to use its resources and facilities for legitimate political purposes in connection with your authority's business. For example, holding surgeries in your ward and dealing with correspondence from your constituents. In this case, you must be aware of the limitations placed upon such use for these purposes. Using your authority's resources outside of these limitations is likely to amount to a breach of the Code of Conduct.
  - c. Resources could include any land or premises, equipment, computers, and materials. The time, skills, and assistance of anybody employed by the authority, or working on its behalf, are also resources, as is information held by the authority which it has not published.
  - d. Often it is impractical to separate a councillor's political campaigning from carrying out their duties as an elected ward member, such as when they hold surgeries or deal with correspondence from constituents.
  - e. You must ensure that there is a sufficient connection between the use of resources and the business of the authority. Only improper use of resources will be a breach of the Code of Conduct.
  - f. You should be particularly scrupulous about the use of authority resources when elections are pending, particularly those resources relating to publicity. When using the local authority's resources in these circumstances, you should not appear to be seeking to influence public opinion in favour of you, your party colleagues, or your party.

## **The Hearing Process**

10. The Joint Standards Committee has approved a procedure for hearings. In line with that procedure the complainant and subject member have been asked to indicate whether they intend to attend the

hearing, to identify facts which they say are in dispute, and provide their views as to whether any part of the hearing should be in public. These responses have been shared with the Panel.

### **Issues to be determined**

11. Has the Councillor breached the Code of Conduct?
12. In the event that the Sub committee finds that the Code has been breached, it will need to determine whether a sanction should be imposed and if so, what sanction.

### **Implications**

#### **Financial**

Not applicable to this report.

#### **Human Resources (HR)**

Not applicable to this report.

#### **Equalities**

The Equality Act 2010 places specific duties on Local Authorities, including the presence of a clear and concise Code of Conduct which prohibits unlawful discrimination and gives the public confidence in Councillors. Ensuring that the Code of Conduct is maintained meets the Nolan principles and also supports the prohibition.

#### **Legal**

As detailed within this report.

#### **Crime and Disorder, Information Technology (IT) and Property**

Not applicable to this report.

#### **Other**

Not applicable to this report.

**Contact Details**

**Author:**

**Frances Harrison  
Head of Legal Services &  
Deputy Monitoring Officer**

Tel No. 01904 551988

**Chief Officer Responsible for the report:**

**Bryn Roberts  
Director of Governance & Monitoring  
Officer**

Tel No. 01904 555521

**Report**  **Date** 6 December 2023  
**Approved**

**Wards Affected:**

**All**

**For further information please contact the author of the report**

**Background Papers:**

- City of York Council Code of Conduct and Procedure for Handling of Complaints
- City of York Council Constitution

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of the Local Government Act 1972.

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